

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Powers Lane, 2500 ft. E * ZONING COMMISSIONER
of c/l Sherwood Road *
8th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Legal Owner: Elsie L. Stephens * Case No. 92-224-A
Contract Purchasers: *
Richard K. Wilkens, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot area of 2 acres in lieu of the required 3 acres; and a variance from Section 1A03.4.B.3 to permit a minimum diametrical dimension of 170 ft., in lieu of the required 300 ft., all as more particularly described on Petitioners' Exhibit No. 1, the site plan to accompany the zoning Petition.

The subject property is owned by Elsie L. Stephens who appeared with her son, H. Murray Stephens, at the hearing. Although neither testified, they were represented by William A. Beale, Esquire.

The Petitioners/Contract Purchasers, Richard K. and Susan Wilkens appeared and testified. They are under a contingent contract to purchase from Mrs. Stephens the subject property indicated as lot No. 2 on the Petitioners' Exhibit No. 1. They propose to construct a house on the lot and are the moving force behind the Petition for Variance.

Also appearing and testifying on behalf of the Petitioners was John F. Etzel, the surveyor who prepared the Petitioners' Exhibit No. 1. Appearing in support of the Petitioners were Patricia Stephens and William D. and Jane Kovow. Numerous representatives of the community appeared in

opposition to the Petition. These included Charles Michael Shaneybrook who represented the Powers Avenue Community Association. Charles M. Shaneybrook, another resident of the community and father of Charles Michael Shaneybrook who acted on behalf of the community association, also appeared and was represented by Ralph K. Rothwell Jr., Esquire. Further, Michael Hill, a neighbor and professional engineer, commented on the plan and also appeared as a Protestant.

As indicated above, the subject lot is but a piece of a larger parcel owned by Elsie M. Stephens. She owns a tract of approximately 50 acres in size which is located near the end of Powers Avenue. She proposes to subdivide the parcel and sell 2 lots which are shown on Petitioners' Exhibit No. 1 as lots Nos. 1 and 2. Lot No. 2 is under contract to be purchased by Mr. and Mrs. Wilkens. Lot No. 2 is transected by a zoning line which divides the property into a portion zoned R.C.4 and another portion zoned D.R.1. Mr. and Mrs. Wilkens desire to construct a dwelling within the R.C.4 portion of the property and reside therein. They claim that their need for privacy would be best served if the house were moved to the R.C.4 portion of the tract, rather than constructed on the D.R.1 section, as is permitted under the regulations. Further, the Petitioners note the existence of a swale on the property and a hunting blind on the adjacent property which they offer as additional reasons for locating the house on the R.C.4 portion.

In opposition to the Petition, Mr. Rothwell offered a number of reasons why the requested variance should be denied. He chiefly argued that the property did not technically comply with Baltimore County and State regulations regarding minimum area. It is to be noted that the property is currently the subject of a minor subdivision process under Baltimore

County case No. 91-289-M. A decision as to the propriety of the proposed minor subdivision has been withheld pending the zoning case.

Although Mr. Rothwell offered numerous technical reasons why the variance should be denied, one cannot help but believe that the residents of the community oppose the variance chiefly because of their opposition to any new development within the area. As is the situation with many cases of this nature, the current residents desire to preserve the pristine rural atmosphere of the locale and oppose any plans for development.

In considering the merits of the proposed variance, I am required to adjudge the request in accordance with the standards enunciated within Section 307 of the B.C.Z.R. and the existing case law. Section 307.1 of the B.C.Z.R. provides, in part, that variances are to be granted "only in cases where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship." Further, I am to consider if the granting of the variance would be "in strict harmony with the spirit and intent of said height area, off-street parking or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare." The Petitioner has the burden of adducing testimony to justify the variance. Further, the appellate courts of this State have prescribed guidelines as to what constitutes practical difficulty.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Thus, the Petitioners' burden is a heavy one. A variance cannot be granted based upon matters of preference and convenience.

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1992 that a variance from Section 1A03.4.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot area of 2 acres in lieu of the required 3 acres, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.B.3 to permit a minimum diametrical dimension of 170 ft., in lieu of the required

300 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby DENIED.

LES/mm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 23, 1992

Mr. and Mrs. Richard K. Wilkens
2416 Crest Road
Baltimore, Maryland 21209

RE: Petition for Zoning Variance
Case No. 92-224-A
Richard K. Wilkens, et ux, Contract Purchasers
Elsie L. Stephens, Legal Owner

Dear Mr. and Mrs. Wilkens:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

cc: Mrs. Elsie L. Stephens
11123 Powers Avenue,
Cockeysville, Md. 21230



Petition for Variance

to the Zoning Commissioner of Baltimore County 92-224-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.B.1 & B.3 - to allow lot area of 2 acres in lieu of the required 3 acres. A minimum diametrical dimension of 170' in lieu of the required 300'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The proposed dwelling location in the R.C.4 portion will afford more privacy from adjacent property owners by being screened by the existing trees and separation from neighbors unsightly and dangerous property containing a working deer blind (a camouflaged place for a hunter to sit).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.
Legal Owner(s):

Elsie L. Stephens
(Type or Print Name)
Elsie L. Stephens
Signature

2416 Crest Rd.
Address
Baltimore, Md. 21204
City and State

Attorney for Petitioner:

11123 Powers Ave. 666-2277
Address Phone No.
Cockeysville, Maryland 21030
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Richard K. & Susan M. Wilkens
Name
2416 Crest Rd. Baltimore, Md. 381-167-4709
Address Phone No.

Attorney's Telephone No.: _____

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING (20) MIN. + 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: CG DATE: 1/22/92
236

PHILIP H. CROSS
JOHN F. ETZEL
WILLIAM E. ULRICH
GORDON T. LANSBORN
DAVID E. RANSOME

GERHO'D. CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204

SHERRILL
PAUL R. DOLLINGER
FRED H. DOLLINGER
CARL L. GERSHOLD

823-4470

92-224-A
October 22, 1991

ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the centerline of the northeast end of Powers Avenue distant 2500 feet more or less measured northeasterly from the centerline of Sherwood Avenue, thence leaving Powers Avenue and running for the property lines of the herein named Grantor, the following five (5) courses and distances, viz:

- 1) North 62 degrees West 148 feet, thence
- 2) North 25 degrees 15 minutes East 712.75 feet, thence
- 3) South 32 degrees West more or less 460.5 feet, thence
- 4) North 47 degrees 30 minutes West 171.50 feet, and
- 5) South 35 degrees 30 minutes West 544 feet to the place of beginning.

Being the second parcel of the property of Elsie L. Stephens which, by deed dated November 20, 1950 and recorded among the Land Records of Baltimore County, Maryland in Liber T.B.S. No. 1895 at folio 472, was granted and conveyed by Walter E. Loch, et al to Harold M. Stephens (deceased) and Elsie L. Stephens, and as shown on a plat filed with the Zoning Department of Baltimore County, Maryland.

236

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 12/18/91

Posted for: Richard and Susan Wilkens

Petitioner: Richard and Susan Wilkens

Location of property: 111 West Chesapeake Avenue, Room 106, Towson, Maryland 21204

Location of Sign: 111 West Chesapeake Avenue, Room 106, Towson, Maryland 21204

Remarks: None

Posted by: Lawrence E. Schmidt Date of return: 12/21/91

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/12, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/12, 1991.

TOWSON TIMES,
S. Zeke Olson
Publisher

\$89.91

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-224-A
W/S Powers Lane, 2500' E of c/l Sherwood Road
8th Election District
4th Councilmanic
Legal Owner(s): Elsie L. Stephens
Contract Purchaser(s): Richard and Susan Wilkens
Hearing Date: Friday, January 3, 1992 at 10:30 a.m.
Petitioner: to allow lot area of 2 acres in lieu of the required 3 acres; a minimum diametrical dimension of 170 feet in lieu of the required 300 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
11/13/2004 December 12

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DECEMBER 5, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-224-A
W/S Powers Lane, 2500' E of c/l Sherwood Road
8th Election District - 4th Councilmanic
Legal Owner(s): Elsie L. Stephens
Contract Purchaser(s): Richard and Susan Wilkens
HEARING: FRIDAY, JANUARY 3, 1992 at 10:30 a.m.

Variance to allow lot area of 2 acres in lieu of the required 3 acres; a minimum diametrical dimension of 170 feet in lieu of the required 300 feet.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County

cc: Elsie Stephens
Richard and Susan Wilkens

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/12, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/12, 1991.

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

\$89.91

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-224-A
W/S Powers Lane, 2500' E of c/l Sherwood Road
8th Election District
4th Councilmanic
Legal Owner(s): Elsie L. Stephens
Contract Purchaser(s): Richard and Susan Wilkens
Hearing Date: Friday, January 3, 1992 at 10:30 a.m.
Petitioner: to allow lot area of 2 acres in lieu of the required 3 acres; a minimum diametrical dimension of 170 feet in lieu of the required 300 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
11/13/2004 December 12

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 20, 1991

Ms. Elsie L. Stephens
11123 Powers Avenue
Cockeysville, MD 21030

RE: Item No. 236, Case No. 92-224-A
Petitioner: Elsie L. Stephens
Petition for Variance

Dear Ms. Stephens:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____ Account: R-001-6150
Number: _____

Please Make Checks Payable To: Baltimore County \$35.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____ Account: R-001-6150
Number: _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 20, 1991

Zoning Plans Advisory Committee Comments
Date: December 20, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All Petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1-6-92

Richard and Susan Wilkens
2416 Crest Road
Baltimore, MD 21209

RE:
CASE NUMBER: 92-224-A
W/S Powers Lane, 2500' E of c/l Sherwood Road
8th Election District - 4th Councilmanic
Legal Owner(s): Elsie L. Stephens
Contract Purchaser(s): Richard and Susan Wilkens

Dear Petitioner(s):

Please be advised that \$ 114.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 20, 1991

Your petition has been received and accepted for filing this 22nd day of November, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
JAMES E. DYER
CHAIRMAN,
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Elsie L. Stephens
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 6, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Elsie L. Stephens, Item No. 236

In reference to the Petitioner's request, staff offers no comments.

Staff supports the applicant's request since it doesn't appear to matter whether the proposed house is sited in the DR zoned or RC4 portion of the lot. The preferred location, however, would provide a greater separation between the proposed house location and would apparently be more compatible with the built environment in the immediate vicinity.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL:rdn
ITEM236/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: December 17, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 2, 1991

This office has no comments for item numbers 235, 236 and 238.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

November 27, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #236, Zoning Advisory Committee Meeting of December 3, 1991, Elsie L. Stephens, N/S Powers Lane, 2500' E of centerline Sherwood Road, D-8, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Revised plans are required. Refer to minor subdivision comments dated October 31, 1991 for details. Soil evaluations must be performed at percolation test sites D & E prior to approval of house location. For the information contact Bruce Seeley at 887-2762.

SSF:mp
236.ZNG/GWRMP

RECEIVED
DEC 2 1991
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

DECEMBER 6, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ELSIE L. STEPHENS
Location: N/S POWERS LANE
Item No.: 236 Zoning Agenda: DECEMBER 3, 1991
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: November 29, 1991

FROM: Robert W. Bowling, P.E.

SUBJECT: Zoning Advisory Committee Meeting
for December 3, 1991

The Development Engineering Division has reviewed the proposed zoning change and we have no comments for items 235 and 238.

For item 236, the previous County Review Group comments still apply.

For item 236, the previous minor subdivision review comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

RWB:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 6, 1992

Mrs. Virginia Hild
11019 Powers Avenue
Cockeysville, Maryland 21030

RE: Case No. 92-224-A
R. K. Wilkens, Contract Purchaser
Elsie L. Stephens, Legal Owner, Petitioner

Dear Mrs. Hild:

I am writing to confirm the decision which I made in an open hearing on January 3, 1992 in response to your letter dated December 30, 1991 requesting a postponement of the above captioned case.

Although I am not entirely convinced that the advertising sign was not conspicuously posted, as required, in the interest of fairness, I agree that all interested citizens should be given an opportunity to participate in the process. Thus, I have postponed the above case from the scheduled date of January 3, 1992. The matter is now set for hearing on Thursday, January 16, 1992 at 9:00 A.M. Kindly note that the hearing will be held in Room 106 of the County Office Building (the same hearing room where the case was initially scheduled).

Because the case has been reset expeditiously, the property will not be reposted nor readvertised in any local newspaper. Thus, in view of the fact that the request for postponement came from you, I am charging you with the responsibility of notifying all interested parties of this hearing on January 16th. Lack of notice by any other individuals will not be grounds for additional postponement; it being my intent that the matter will go forward with certainty on January 16, 1992.

Please do not hesitate to contact me should you have any questions regarding this matter.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Mr. and Mrs. Stephens
cc: Mr. and Mrs. Wilkens
cc: All interested parties

MASLAN, MASLAN AND ROTHWELL, P.A.

M. MICHAEL MASLAN
GARY R. MASLAN
RALPH K. ROTHWELL, JR.

ATTORNEYS AT LAW
7008 EASTERN AVENUE
BALTIMORE, MARYLAND 21224

TEL: (301) 282-3700
FAX: (301) 282-3338

January 9, 1992

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
400 Washington Avenue, Room 113
Towson, Maryland 21204

Re: Petition for Variance
Powers Avenue
Cockeysville, Maryland
Case No. 92-224-A

Dear Commissioner Schmidt:

Please enter my appearance in the above captioned case scheduled for a hearing on Petition for Variance January 16, 1992 at 9:30 a.m. I will be representing Michael Shaneybrook, Sr. a Protestant to the proposed variance. I thank you for your attention and assistance in this matter.

Very truly yours,
Ralph K. Rothwell, Jr.
Ralph K. Rothwell, Jr.

RKR/rf
cc: Michael Shaneybrook, Sr.

I HEREBY CERTIFY that on this 9 day of January, 1992, a copy of the foregoing was mailed, postage prepaid to Elsie L. Stephens, 11123 Powers Avenue, Cockeysville, Maryland 21030 and Richard and Susan Wilkens, 2416 Crest Road, Baltimore, Maryland 21209, Petitioners for Variance.

RECEIVED
JAN 10 1992
ZONING OFFICE

POWERS AVENUE COMMUNITY ASSOCIATION, INC.
P. O. Box 333
Cockeysville, MD 21030

January 10, 1992

Lawrence E. Schmidt
Zoning Commissioner
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Case No. 92-224-A
R. K. Wilkens, Contract Purchaser
Elsie L. Stephens, Legal Owner, Petitioner

Dear Mr. Schmidt,

I am writing to make you aware of the position that has been taken by the Board of Directors of the Powers Avenue Community Association, Inc. After careful and prolonged consideration, we will stand in opposition of the aforementioned Petition for Variance.

Although we found what we believe are several problems, we will base our objection on one point. We do not believe that the reasons stated on the Petition for Variance meet the criteria contained in Section 307 -- Variances [B.C.Z.R., 1955; Bill No. 107, 1963]. More specifically, we cannot accept that without granting a variance the petitioners would endure any "practical difficulty or unreasonable hardship".

Sincerely,

Michael Shaneybrook
Michael Shaneybrook
President
Powers Avenue Community Association, Inc.

MS/aw

January 17, 1992

Lawrence E. Schmidt
Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: 92-224-A
Request for Variance

Dear Commissioner:

I was in attendance today for hearing No. 92-224-A. I would like to reiterate two very important points.

I would first preface these with the fact that I am a builder and I am sympathetic to the Wilkens' plight. The pertinent matter in allowing Wilkens a variance is practical difficulty and hardship; none exist. By Wilkens' own testimony, he wishes to move the house for a better panorama, a more visibly desirable lot. These reasons are not reasons to grant a variance. A practical difficulty would be an unforeseen difficulty preventing building in the designated area (i.e. unstable soils, rock ledge, high water table, etc.)

If Mr. Wilkens desires a better panorama, he should purchase a different lot, not change zoning. Every owner, developer and builder will petition the county for better views, taller buildings, easier access and a host of reasons that are not hardships or difficulties.

The deer blind by Mr. Wilkens own admission is a police matter and not a zoning matter. Moving a house 150' will not protect someone from a hunting round that travels 1500'.

Please consider the lack of practical difficulty and hardship in this matter.

Respectfully,

Robert D. Owens
10924 Powers Avenue
Cockeysville, Maryland 21030
410/628-5357

RDO/rbm

11019 Powers Avenue
Cockeysville, MD 21030
December 30, 1991

Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Room 105
Towson, Maryland 21204

RE: Zoning Petition No. 92-224-A

Dear Commissioner:

This letter is to request a postponement in the zoning hearing on the Petition for Variance No. 92-224-A (Elsie L. Stephens, owner) on the basis that the notice of hearing sign was not conspicuously posted so as to be visible from a public road. I also request that the zoning petitioner be required to relocate the notice of hearing sign so as to be readily visible to the public and adjacent property owners.

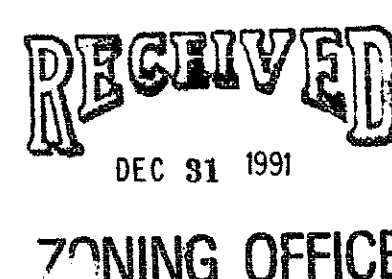
Because the notice of hearing sign was placed near the end of a private drive approximately 400 feet from the end of the public street known as Powers Avenue (see attached sketch), I was not reasonably notified of the petition for zoning variance and cannot prepare adequately for the hearing by this Friday January 3, 1992. I further believe that others may be concerned with the zoning variance petition if they were aware of it.

I therefore request that the petitioner be required to re-post the notice of hearing sign and a new hearing date be scheduled. My telephone number is 666-1923 if you have any questions concerning this request.

Sincerely yours,

Virginia L. Hild
Virginia L. Hild

attachment



ELSIE L. STEPHENS PROPERTY
Powers Avenue
91-289-M

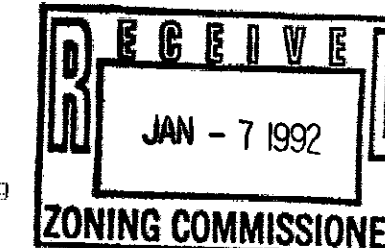
Minor Subdivision Review
Plan Date: 10/16/91
Comments Due: 11/8/91
Comments Date: 11/4/91
Comments Completed: 11/5/91

The subject property is split zoned D.R.-1 and R.C.-4. Each of these zones functions separately. A parcel of land for a building lot must meet the requirements for the zone in which the house is sited, in the zone which it is situated. (See Zoning Commissioner's Policy Manual, 1A00.5.a and b.)

In order to accomplish the subdivision, the following needs to be revised and clarified in order that our office can further review the plan:

1. Lot 1 - Needs one acre of land in the D.R.-1 zoned area. 40,000 sq ft
2. Lot 2 - Needs one of the following:
 - A. One acre of land in the D.R.-1 zoned land (if the house is to be sited there)
 - B. Three acres of land in the R.C.-4 (if the house is to be sited there)
 - C. A density chart showing overall R.C.-4 density for the entire tract to support a dwelling in that zone AND a variance for proposed lot 2 for an area of less than three acres.
3. A "parcel line" also creates a fourth lot (whether buildable or not). Therefore, if the line is not removed by subdivision, the remaining undersized lot needs a variance. Clarify status of line, before deleting parcel line, in general notes. Reference existing deeds or plats.
4. Zoning regulations do not include any requirement for two acres within 2,500 feet of water level of Loch Raven Reservoir.

92-224-A



John Hawkins
11011 Powers Avenue
Cockeysville, MD 21030

Mr. Larry Schmidt
Baltimore County Zoning

Dear Sir:

I am writing to you to express my concerns about the proposed zoning variance for the Stephens property located at the end of Powers Avenue. I plan to attend the hearing on January 3rd, however, if my work does not permit me to attend, I wanted to be sure that my opinion was voiced.

The land in question is currently zoned as resource conservation property (I believe that is the correct term). Development is to be limited due to the close proximity of the Loch Raven watershed. Mr. Stephens has filed to change the zoning to allow one house per two acres, instead of one house per every three. This move is obviously being done to maximize the potential profits from the sale of the land. As the owner of the property, he is entitled to make a profit. But not at the expense of the community.

Ever since we moved onto Powers Avenue, we knew the time would come when the property at the end of the street would be sold for development. It's a pity, too. We will miss the peace and quiet. But development continues everywhere. We feel, however, that development must be limited here for a number of reasons:

- the entire community uses well water. Some of the residents have very deep wells (400 ft) just to have an adequate water supply. Additional homes will further deplete the water table, leading to possible supply problems for myself and others.
- the entire community also uses septic systems. We are not far from the Loch Raven watershed. A large development of houses with septic systems located close to the watershed could lead to pollution of an important water reservoir. Even though plans are being made to extend city water to the community, there are no plans to provide sewage lines.
- the street is not wide enough for more traffic. The attached photograph clearly shows the size (and condition) of the street directly in front of my property. If fifty or sixty cars are trying to get past my house every day, some are sure to meet right out front. And then my front yard will become part of the road. Widening the street will not be the builder's problem - and in this age of budget cut-backs, it will take the county years before that would be accomplished.
- access for the entire community (Powers Avenue, Osage Road, Gateview Road, and Nurgate Court) to the outside world is via Powers Avenue to Sherwood Road. The first five hundred feet of Powers Avenue is also quite narrow - we all have to be careful passing each other there. Add another fifty or sixty cars trying to get out to work every day, and we'll need a traffic light just to get out to Sherwood Road.
- the schools in this district are terribly overcrowded. Pot

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Murray Stephens	1123 Powers Ave
Elsie L. Stephens	"
Patricia Stephens	"
Susan M. Wilkens	3416 Crest Rd. BALTO
Richard K. Wilkens	2416 Crest Rd. BALTO 21209
John F. Hild	412 Delaware Ave
William D. Kovacs	4708 Blue Ridge Ave
John F. Kovacs	4708 Blue Ridge Ave

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
William D. Kovacs	801 S. Charles St. Balto 21206
Elsie L. Stephens	1123 Powers Ave Cockeysville 21030
A. Murray Stephens	"
Richard K. Wilkens	2416 Crest Rd. BALTO. MD 21209
Susan M. Wilkens	3416 Crest Rd. BALTO MD 21209
Patricia Stephens	1123 Powers Ave Cockeysville 21030
William D. Kovacs	4708 Blue Ridge Ave. 21206
John F. Kovacs	4708 Blue Ridge Ave 21206
John F. Hild	412 Delaware Ave 21201

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Charles M. Shanleybrook	10921 Powers Ave Cockeysville
Carlina Wilkins	10923 Powers Ave Cockeysville 21030
Nancy Shanleybrook	10921 Powers Ave. Cockeysville 21030
Charles Michael Shanleybrook	10921 Powers Ave. Cockeysville 21030
Val Bigelow	11013 Powers Ave. Cockeysville 21030
Robert M. Wilkins	11111 Powers Ave. Cockeysville 21030
Robert D. Owens	11924 Powers Ave Cockeysville 21030
John F. Hild	10815 Powers Ave Cockeysville MD 21030
Virginia Hild	11019 Powers Ave 21030
John W. Plamondon	10918 Powers Ave 21030

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Carlina Wilkins	11023 Powers Ave. Cockeysville, MD 21030
Virginia Hild	11019 Powers Ave. Cockeysville, MD 21030
Nancy Shanleybrook	10921 Powers Ave. Cockeysville MD 21030
Charles Michael Shanleybrook	10921 Powers Ave. Cockeysville MD 21030
John Hawkins	11011 Powers Ave. "
Charles M. Shanleybrook	10921 Powers Ave Cockeysville MD
Virginia Hild	10923 Powers Ave. "

January 16, 1992

Zoning Commissioner of Baltimore County
Case # 92-224-A

Powers Avenue should be extended the distance of the new development.

1. This would eliminate 14.8' bottlenecks at the entrance which restrict further use, the right of way will not accommodate any more traffic.
2. would allow development on both sides of the extension and satisfy all parties.
3. Increase the tax base for county & state.
4. as houses are built new owners can be charged the cost of extending the road.
5. all owners would have equal access & regress to their properties.
6. the powers Ave. extension should go the full extent of the boundary lines of the new development.

Sincerely,

Lola V. Wilkins
11111 Powers Ave.
Hunt Valley Maryland
21076-2629

WE, THE UNDERSIGNED, OPPOSE "PETITION FOR VARIANCE" CASE # 92-224-A
HEARING DATE: JANUARY 16, 1992 - 9:00 A.M. - 111 CHESAPEAKE AVENUE - TOWSON - ROOM 106

NAME (please print)	ADDRESS	SIGNATURE
Eden Hyde	10908 Hollow Road	Eden Hyde
Jackie Riley	10907 Hollow Rd.	Jackie Riley
Jill Bowerman	11005 GARVEY RD.	Jill Bowerman
Wesley Michael Shawbrook	10921 POWERS AVE.	Wesley Michael Shawbrook
Nancy Shawbrook	10921 POWERS AVE	Nancy Shawbrook

WE, THE UNDERSIGNED, OPPOSE "PETITION FOR VARIANCE" CASE # 92-224-A
HEARING DATE: JANUARY 16, 1992 - 9:00 A.M. - 111 CHESAPEAKE AVENUE - TOWSON - ROOM 106

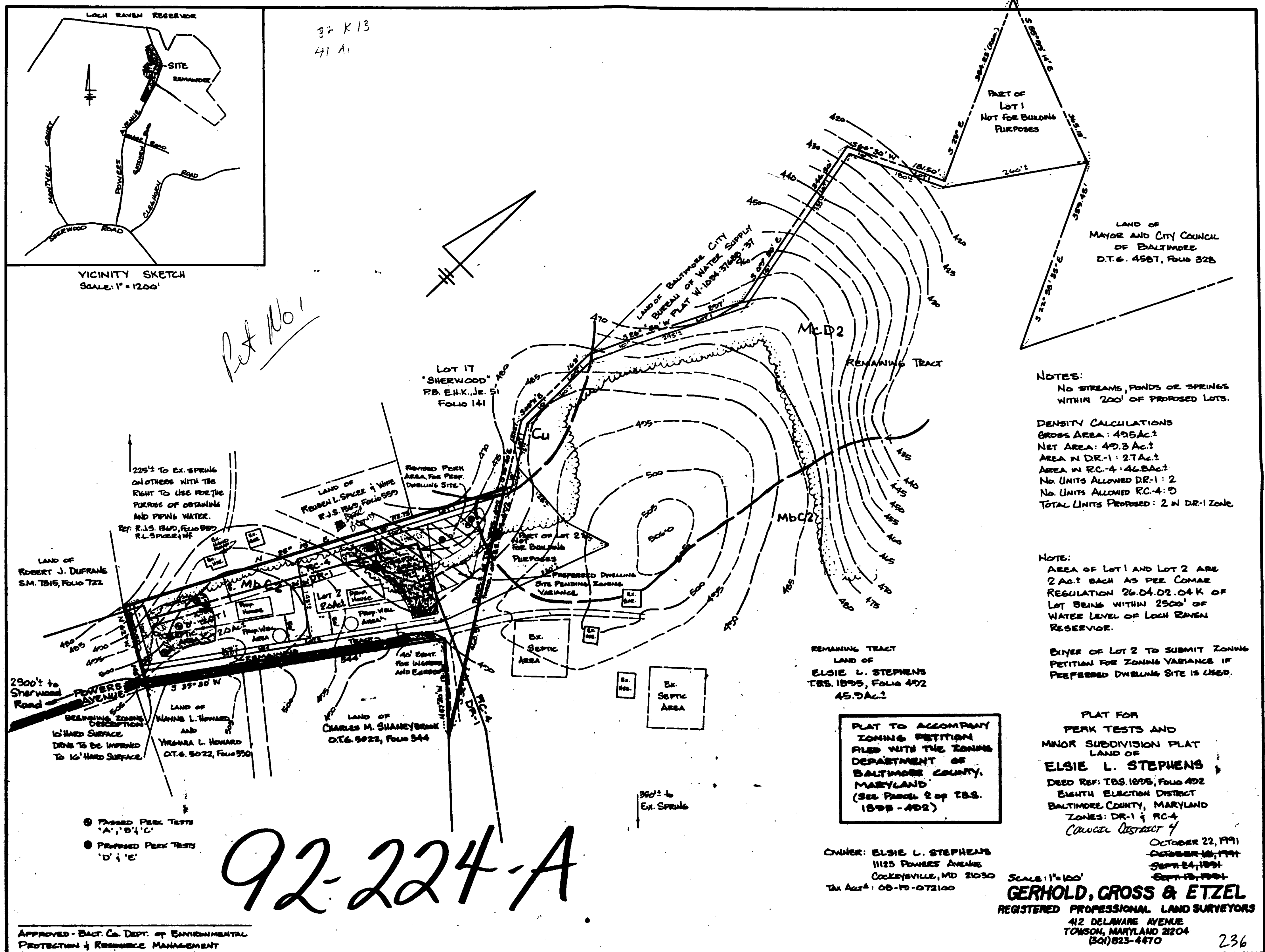
NAME (please print)	ADDRESS	SIGNATURE
John + Patricia Allen	15925 Powers Ave	John + Patricia Allen
Walter + Anne Ward	1055 Powers Ave.	Walter + Anne Ward
Mark Donatelli	10921 POWERS AVE	Mark Donatelli
Amber L. Duce	10523 Powers Ave.	Amber L. Duce
John B. Davis	1053 Powers Ave	John B. Davis
John + Jane Smith	10921 Powers Ave	John + Jane Smith

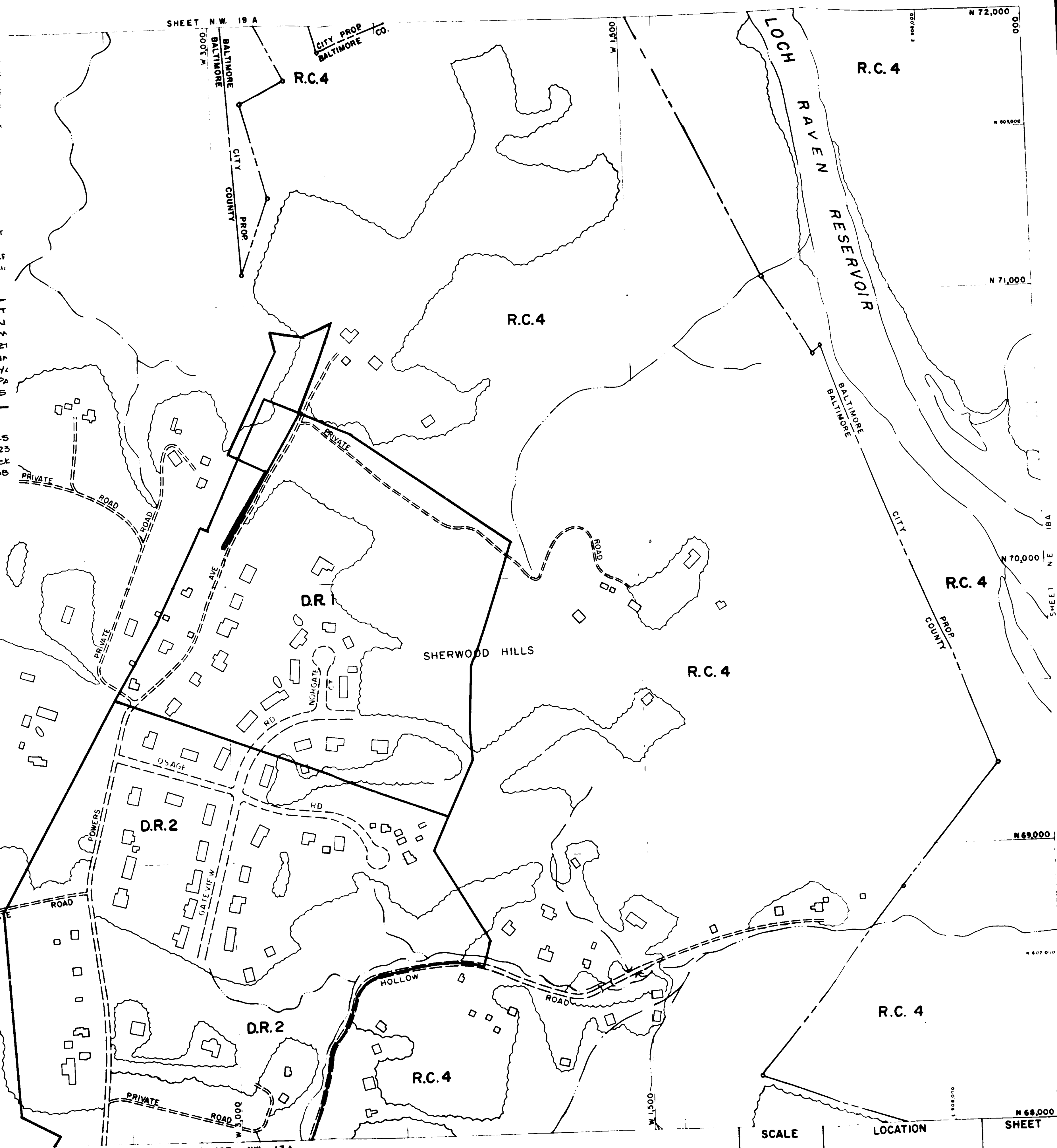
WE, THE UNDERSIGNED, OPPOSE "PETITION FOR VARIANCE" CASE # 92-224-A
HEARING DATE: JANUARY 16, 1992 - 9:00 A.M. - 111 CHESAPEAKE AVENUE - TOWSON - ROOM 106

NAME (please print)	ADDRESS	SIGNATURE
Earline Williams	10933 POWERS AVE Cockeysville, MD 21030	Earline Williams
Mary Owens	10934 POWERS AVE Cockeysville MD 21030	Mary Owens
Bernice Lewis	11001 POWERS AVE Cockeysville MD 21030	Bernice Lewis
Shirley Cadden	11003 POWERS AVE	Shirley Cadden
Ron Proppis	10919 POWERS AVE	Ron Proppis
Harry Miller	10912 POWERS AVE	Harry Miller
Tom Brennan	10918 POWERS AVE	Tom Brennan
Bernadette Plamondon	10918 POWERS AVE	Bernadette Plamondon

WE, THE UNDERSIGNED, OPPOSE "PETITION FOR VARIANCE" CASE # 92-224-A
HEARING DATE: JANUARY 16, 1992 - 9:00 A.M. - 111 CHESAPEAKE AVENUE - TOWSON - ROOM 106

NAME (please print)	ADDRESS	SIGNATURE
THOMAS A. REED	1109 POWERS AVE 21030	Thomas A. Reed
VIRGINIA HILD	11019 POWERS AVE 21030	Virginia Hild
ROBERT M. WILLIAMS	11111 POWERS AVE 21030	Robert M. Williams
John W. Williams	11111 POWERS AVE 21030	John W. Williams





N

N 23° 15' E 712.75'

S 32° E 468.5'

N 47° 38' W 171.5'

S 35° 38' W 544'

N 62° W 148'

NOTE: Zoning Description does not close

Scale 1"=100'

SHEET NW 17A

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION COCKEYSVILLE ASHLAND	SHEET N.W. 18-A
DATE OF PHOTOGRAPHY JANUARY 1986		

92-224-A